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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,365	02/26/2004	Andrew R. Ferlitsch	SLA1455	7953

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AUSTIN RAPP & HARDMAN
170 SOUTH MAIN STREET
SUITE 735
SALT LAKE CITY, UT 84101

EXAMINER	
RAMOS, JAVIER J	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
10/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@austin-rapp.com

Office Action Summary	Application No.	Applicant(s)	
	10/787,365	FERLITSCH, ANDREW R.	
	Examiner	Art Unit	
	JAVIER J. RAMOS	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11,13-21 and 23-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11,13-21 and 23-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-4, 6-11, 13-21 and 23-27 are pending in this application.

2. Claims 1, 11 and 17 have been amended [7/28/09].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8-12, 14-20, 22, 23 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mukai (US 6,466,329 B1).

5. In regards to claims 1 and 17, Mukai teaches a method **(Figs. 2, 3 and 5)** and a computer-readable medium for storing program data **(Fig. 1)**, wherein the program data comprises executable instructions for implementing a method in a computing device **(Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code)** for providing page description language ("PDL") encapsulated image data from an imaging device **(Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20)** that includes a scanner **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**, the method comprising: scanning an image using the scanner to produce image

data **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**; obtaining document formatting inputs from a user interface, the document formatting inputs being configurable at the user interface, and wherein the document formatting inputs comprise copy function options **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel, the control panel contains setting and operation commands for copying)**; encapsulating the image data in a page description language using the document formatting inputs for document formatting **(Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs)**, wherein the encapsulating occurs at the imaging device **(Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20)**, and wherein the formatting inputs control how the image data is framed into a document defined by the page description language **(Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the enlargement/reduction attribute will affect how the image data is framed into the document)**; and transmitting the page description language to a computing device from the imaging device **(Fig. 1, Object 600, network interface; Col. 7, Lines 19-22, the PDL based image data is transferred to a database server; Col. 9, Lines 31-35)**.

6. In regards to claims 2 and 19, Mukai teaches the document formatting inputs are obtained from a control panel on the imaging device **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44)**.

7. In regards to claims 3 and 20, Mukai teaches the document formatting inputs are obtained from a local user interface **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44)**.

8. In regards to claims 6 and 23, Mukai teaches the imaging device is a multi-function peripheral **(Fig. 1, Object 1, digital multi-function peripheral)**.

9. In regards to claims 8, 14 and 25, Mukai teaches the imaging device comprises a multi-function peripheral **(Fig. 1, Object 1, digital multi-function peripheral)**, wherein the document formatting inputs are obtained from a control panel on the multi-function peripheral **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44)** and wherein the control panel is also used for a user input for a copy function of the multi-function peripheral **(Col. 9, Lines 36-44)**.

10. In regards to claims 9, 15 and 26, Mukai teaches the page description language is a language selected from the group consisting of a portable document format (PDF), postscript (PS), printer control language (PCL), HP GL/2, IBM IPDS, IBM SCS, Epson EscP and DDIF **(Col. 2, Lines 33-42)**.

11. In regards to claims 10, 16 and 27, Mukai teaches the page description language comprises document wide properties, page delimitation properties, page properties and one or more drawing elements **(Col. 2, Lines 33-43; Col. 9, Lines 31-44; the formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs)**.

12. In regards to claim 11, Mukai teaches an imaging device that comprises a scanner **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**, wherein the imaging device provides page description language ("PDL") encapsulated image data **(Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20)**, the imaging device comprising: a processor for control of the imaging device **(Fig. 1, Objects 200, 300, 700 and 800)**; memory in electronic communication with the processor **(Fig. 1, Object 90)**; a scanner in electronic communication with the processor **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**; a control panel for operation of the imaging device by a user, wherein the control panel is in electronic communication with the processor for receiving user inputs **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44)**; and executable instructions executable by the processor **(Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code)**, wherein the instructions are executable to: scan an image using the scanner to produce image data **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**; obtain document formatting inputs from the control panel, the

document formatting inputs being configurable at the user interface, and wherein the document formatting inputs comprise copy function options **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel, the control panel contains setting and operation commands for copying)**; and encapsulate the image data in a page description language using the document formatting inputs for document formatting **(Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs)**, wherein the encapsulating occurs at the imaging device **(Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20)**, and wherein the formatting inputs control how the image data is framed into a document defined by the page description language **(Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the enlargement/reduction attribute will affect how the image data is framed into the document)**.

13. In regards to claim 18, Mukai teaches the image data is obtained from a scanner of the imaging device **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1), as applied to claims 1 and 17, in view of Lavender et al. (US 2002/0114021 A1).

16. In regards to claims 4 and 21, Mukai teaches the document formatting inputs are obtained from a user interface **(Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44)**.

It is noted however, that Mukai does not specifically teach the document formatting inputs are obtained from a remote user interface.

In analogous art, Lavender et al. (hereafter Lavender) teaches the document formatting inputs are obtained from a remote user interface **(Fig. 1, Object 22; [0018], scanner computer is a remote user interface that sends parameters to the scanner; [0014])**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai by receiving document formatting inputs via a remote user interface, as taught by Lavender, in order to allow a user to control the input parameters of the imaging device from a remote location **(Lavender:**

[0018]), therefore making the formatting input operation of the imaging device independent of geographic constraints.

17. Claims 7, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1), as applied to claims 1, 11 and 17, in view of Bonk et al. (US 5,493,634).

18. In regards to claims 7, 13 and 24, Mukai teaches the document formatting inputs comprise a page size input, a scale input, a placement input, a pagination input, a page delimitation input, an orientation input and a margins input **(Col. 9, Lines 36-44)**.

It is noted however, that Mukai does not specifically teach a number of images per page input, a page order input, a document style input, a post collation operations input.

In analogous art, Bonk et al. (hereafter Bonk) teaches a number of images per page input, a page order input, a document style input, a post collation operations input **(Figs. 7 and 13)**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai by adding additional document formatting inputs, as taught by Bonk, in order to increase the user's control of the final output of the scanned document within the apparatus. Further, both Mukai and Bonk are in the same field of endeavor of printing machines that use PDL based information to print **(Mukai: Fig. 1; Bonk: Figs. 1-3B)**.

Response to Arguments

19. Applicant's arguments filed 7/28/09 have been fully considered but they are not persuasive.

20. As previously discussed in the office action dated 4/28/09, the Examiner addressed the argument pertaining to the lack of correlation between the various operating modes of the MFP (copying, printing, etc.) and the device capabilities (including number of copies, size of copies, enlargement/reduction, etc.) on page 11 of the office action.

The Applicant attempts to further limit the scope of the previously presented independent claims by specificying "copy function options" as part of the "document formatting inputs." Please see the revised rejections above with regards to the newly added claim limitation within independent claims 1, 11 and 17. Further, the Applicant argues, on page 10 of the Applicant's response, against the usage of the "enumerated operations" as they pertain to the operating modes of the MFP. It is unclear to the Examiner, how the relationship that is drawn between the "enumerated operations" and the "document filing operations" has any bearing on the rejection towards the copying functionality and its associated options (such as the number of copies, the size of the copies, the degree of enlargement/reduction, etc.). As such, the rejection stands as stated above due to the fact that Mukai teaches the added limitation of "the document formatting inputs comprise copy function options," as addressed in the rejection

to claim 1, along with the previously presented claim limitations encompassing the remainder of claim 1.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US 2002/0078275 A1 - teaches obtaining document formatting inputs comprising copy function options that define how the image data is framed into a document defined by the PDL (see at least [0029]).

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVIER J. RAMOS whose telephone number

is (571) 270-3947. The examiner can normally be reached on Monday to Thursday - 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Javier J Ramos/
Examiner, Art Unit 2625

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625